

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 THOMAS EUGENE MOORE,

10 Petitioner,

No. CIV S-02-0007 JAM DAD P

11 vs.

12 A.A. LAMARQUE, et al.,

13 Respondents.

ORDER

14 _____/
15 Petitioner has requested the appointment of counsel. There currently exists no
16 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d
17 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at
18 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing
19 § 2254 Cases. In the present case, the court does not find that the interests of justice would be
20 served by the appointment of counsel at the present time.

21 In addition, petitioner has requested an extension of time to file and serve an
22 opposition to respondent’s October 30, 2008 motion to dismiss. The request will be granted.

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. Petitioner’s November 14, 2008 motion for appointment of counsel (Docket
25 No. 106) is denied without prejudice;

26 /////

1 2. Petitioner's November 14, 2008 request for an extension of time (Docket No.
2 107) is granted; and

3 3. Petitioner shall file and serve an opposition to respondent's October 30, 2008
4 motion to dismiss on or before December 30, 2008.

5 DATED: November 19, 2008.

6
7 
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

9 DAD:mp/4
10 moor0007.110+111